

**MONDAY, February 13, 2023 – TWIN VALLEY CITY COUNCIL
REGULAR MONTHLY MEETING
Twin Valley Community Center – 7:00 PM**

MEMBERS: Mark Askelson, Paul Bekkerus, Michael Bolton, Mike Lampton

OTHERS: Kerry Askelson, Kendell Harrell, Jason Douville, Connie Hamernik, Tracy Christianson, Harold Allrich, David Portz

PURSUANT DUE TO CALL and notice thereof the Twin Valley City Council held its regular monthly meeting on Monday, February 13, 2023. Mayor Bolton called the meeting to order at 7:00PM.

ADDITIONS TO AGENDA—MA/ML-m/s/p to approve the following two additions to the agenda—1) Lease Agreement with Rider’s Club for Otterson Bridge Land and 2) Donation request from NCE Post Prom.

MONTHLY BUSINESS

Minutes—MA/ML-m/s/p to approve January minutes as written.

Disbursements—ML/PB-m/s/p to approve Disbursements totaling \$154,987.80 detailed below.

VENDOR	DESCRIPTION	AMOUNT
A.F.L.A.C. WEST REGION	Employee Benefit	\$130.03
ARAMARK UNIFORM SERVICES	Contracted Service	\$283.64
ARVIG	Telephone/Internet	\$581.22
BANKCARD CENTER	Operating Supplies	\$575.43
BORDER STATES ELECTRIC SUPPLY	Capital Outlay - Light Pole	\$3,865.50
COLONIAL LIFE INSURANCE CO.	Employee Benefit	\$202.32
COMMUNITY CO-OPS-Lake Park	Utility	\$2,776.08
EFTPS-ONLINE	Payroll Taxes	\$7,050.34
FURTHER	Employee Benefit	\$1,013.05
JOHN DEERE FINANCIAL	Repairs/Maintenance	\$32.26
LEAGUE OF MINNESOTA CITIES	Training	\$360.00
MARCO TECHNOLOGIES LLC	Contracted Service	\$46.42
MATRIX TRUST COMPANY	Employee Benefit	\$55.00
MN CHILD SUPPORT & COLLECTION	Wages	\$512.78
MN DOR - PAYROLL TAX	Payroll Taxes	\$1,021.57
OTTERTAIL POWER CO.	Utility	\$3,377.70
PAYROLL	Wages	\$22,527.73
P.E.R.A. - SDR DIVISION	Employee Benefit	\$7,298.75
PREMIUM WATERS	Contracted Service	\$11.76
SANFORD HEALTH PLAN	Employee Benefit	\$5,245.64
TWIN VALLEY HARDWARE	Repairs/Maintenance	\$11.68
UNITED VALLEY BANK	Rental Fee	\$20.00
USABLE LIFE	Employee Benefit	\$26.84
VERIZON WIRELESS	Telephone/Internet	\$176.37
VOL. FIREFIGHTER'S BENEFIT ASSN-MN	Employee Benefit	\$252.00
	GENERAL TOTAL	\$57,454.11
A.F.L.A.C. WEST REGION	Employee Benefit	\$100.93
ARAMARK UNIFORM SERVICES	Contracted Service	\$77.57
ARVIG	Telephone/Internet	\$113.50
COLONIAL LIFE INSURANCE CO.	Employee Benefit	\$3.68
COMMUNITY CO-OPS-Lake Park	Utility	\$521.43
CORE & MAIN LP	Water Meters	\$2,144.00
EFTPS-ONLINE	Payroll Taxes	\$1,414.07
FURTHER	Employee Benefit	\$183.16

GOPHER STATE ONE-CALL	Contracted Service	\$25.00
HAWKINS, INC.	Operating Supplies	\$746.25
MATRIX TRUST COMPANY	Employee Benefit	\$72.50
MN DNR ECO-WATER-RES	Professional Fee	\$163.66
MN DOR - PAYROLL TAX	Payroll Taxes	\$239.71
MN DOR - SALES & USE TAX	Sales Tax	\$138.00
MN PUBLIC FACILITIES AUTHORITY	Bond Interest	\$1,360.01
OTTERTAIL POWER CO.	Utility	\$2,193.26
PAYROLL	Wages	\$4,698.96
P.E.R.A. - SDR DIVISION	Employee Benefit	\$977.29
SANFORD HEALTH PLAN	Employee Benefit	\$1,499.74
TWIN VALLEY HARDWARE	Repairs/Maintenance	\$58.07
USABLE LIFE	Employee Benefit	\$19.54
VERIZON WIRELESS	Telephone/Internet	\$32.84
	WATER TOTAL	\$16,783.17
A.F.L.A.C. WEST REGION	Employee Benefit	\$100.93
ARAMARK UNIFORM SERVICES	Contracted Service	\$77.57
ARVIG	Telephone/Internet	\$259.61
COLONIAL LIFE INSURANCE CO.	Employee Benefit	\$3.68
COMMUNITY CO-OPS-Lake Park	Utility	\$277.05
EFTPS-ONLINE	Payroll Taxes	\$1,413.98
FURTHER	Employee Benefit	\$183.15
GOPHER STATE ONE-CALL	Contracted Service	\$25.00
MATRIX TRUST COMPANY	Employee Benefit	\$72.50
MN DOR - PAYROLL TAX	Payroll Taxes	\$239.68
OTTERTAIL POWER CO.	Utility	\$184.76
PAYROLL	Wages	\$4,698.96
P.E.R.A. - SDR DIVISION	Employee Benefit	\$977.30
SANFORD HEALTH PLAN	Employee Benefit	\$1,499.74
TWIN VALLEY HARDWARE	Repairs/Maintenance	\$6.80
USABLE LIFE	Employee Benefit	\$19.53
VERIZON WIRELESS	Telephone/Internet	\$32.84
	SEWER TOTAL	\$10,073.08
FUCHS SANITATION SERVICE, INC.	Contracted Service	\$5,899.81
MN DOR - SALES & USE TAX	Sales Tax	\$852.00
	GARBAGE TOTAL	\$6,751.81
A.F.L.A.C. WEST REGION	Employee Benefit	\$28.08
ALCOHOL/GAMBLING ENFORCEMENT	Professional Fee	\$750.00
ANDERS VALLEY PUBLISHING, LLC	Advertising	\$102.50
ARVIG	Telephone/Internet	\$318.66
BANKCARD CENTER	Operating Supplies	\$219.87
BERGSETH BROS.	Merchandise for Resale	\$3,889.65
BNG TECHNOLOGIES, LLC	Contracted Service	\$200.00
BREAKTHRU BEVERAGE	Merchandise for Resale	\$1,577.50
CASH - CITY OF TWIN VALLEY	Starter Cash WRCC	\$1,500.00
COCA-COLA BOTTLING HIGH COUNTRY	Merchandise for Resale	\$734.00
COMMUNITY CO-OPS-Lake Park	Utility	\$402.78
D-S BEVERAGES	Merchandise for Resale	\$11,185.12
EFTPS-ONLINE	Payroll Taxes	\$4,098.00
ELECTRO WATCHMAN, INC.	Contracted Service	\$160.74
FURTHER	Employee Benefit	\$242.75
GREAT NORTH PIZZA CO., LLP.	Merchandise for Resale	\$177.50
HENRY'S FOODS INC.	Merchandise for Resale	\$6,536.95

JOHNSON BROS. LQ-ST.PAUL	Merchandise for Resale	\$2,253.69
McKINNON COMPANY, INC.	Merchandise for Resale	\$1,693.60
MN DOR - PAYROLL TAX	Payroll Taxes	\$662.54
MN DOR - SALES & USE TAX	Sales Tax	\$3,931.00
OTTERTAIL POWER CO.	Utility	\$1,274.70
OVERLOADED LAUNDRY SERVICE, LLC	Contracted Service	\$409.75
PAYROLL	Wages	\$15,365.66
P.E.R.A. - SDR DIVISION	Employee Benefit	\$1,819.25
SANFORD HEALTH PLAN	Employee Benefit	\$2,313.22
SOUTHERN GLAZER'S OF MN*	Merchandise for Resale	\$1,415.69
SUN-FLOWERS	Sympathy Flowers	\$100.00
TWEETON REFRIGERATION, INC.	Repairs/Maintenance	\$536.00
USABLE LIFE	Employee Benefit	\$26.43
	LIQUOR TOTAL	\$63,925.63
	DISBURSEMENT TOTAL	\$154,987.80

COUNCIL VACANCY—Prior to meeting Clerk Johnson asked all interested individuals, whom contacted her about the vacant council seat, to attend Council Meeting for discussion. Tracy Christianson and Harold Allrich were in attendance, a third interested party was not in attendance. Councilmember Bekkerus requested that instead of speaking with interested parties at present, he would prefer employment applications be filled out and complete a full interview and hiring process. Councilmember Askelson agreed he would prefer to have applications prior to the meeting to review, also wanting to have information from each candidate about why they should be considered for the Council seat. PB/ML-m/s/p to request employment applications be filed and another meeting be set up to interview each individual applicant, with applications due Monday 2/27/23, and interviews to be scheduled the following week.

LIQUOR—Harrell updated Council on past and upcoming events held at the Twin Valley Liquor Store, and WRCC Supper at the Community Center. Discussed making changes to the wine inventory to increase sales. Harrell will be conducting an inventory check on food items within the week. Harrell requested permission to hire Savanna Gonzales as part-time bartender, probationary. ML/MA-m/s/p to approve hire contingent on clean background check. Harrell continue to look for new bartenders. A request was received from the Norman County East Yearbook for a donation/advertisement. PB/MA-m/s/p to approve ¼ page advertisement for the City of Twin Valley from the liquor store fund in the amount of \$85.00. Councilmember Askelson requested that Harrell remind employees of the policy on animals in the establishment.

PUBLIC WORKS—Kerry Askelson updated council on continued efforts to clear streets and progress on making repairs to vacant Wimmer cabin. Will be conducting yearly cleaning of treatment plant in coming month. Council reviewed building permit request from Verizon Wireless to remove current 6 antennas, 3 radios, and distribution box with 9 antennas, 6 radios, 1 distribution box and 3 mounting pipes on top of the City Water Tower. ML/MA-m/s/p to approve permit.

EDA/PARKS—Mark Askelson updated Council on proceedings from the EDA/Parks committee meeting held prior. Drew Bentley is working with Askelson to design the new Heiberg Park signage to be placed this spring. The City has taken possession of the S.H.I.P cross country skis, boots, and snow shoes from Twin Valley Hardware. The Committee is looking for a better location to store these items for public use. Council was given Lease Agreement between the Twin Valley Rider’s Club and the Twin Valley City Council for a portion of land near the Otterson Bridge outside of City Limits. Jefferey Jenson, President of the Twin Valley Rider’s Club has signed off on lease agreement for ten years for the cost of \$1.00. Councilmember Bekkerus motioned to introduce a resolution to enter into a lease agreement with the Twin Valley Riders Club, motion seconded by Councilmember Askelson and the following resolution was passed.

RESOLUTION 2023—08

A RESOLUTION APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF TWIN VALLEY AND THE TWIN VALLEY RIDERS CLUB

WHEREAS, the Twin Valley City Council and the Twin Valley Riders Club have come to an agreement to lease for 10 years, beginning March 1, 2023 and ending February 28, 2033, a portion of land described as:

That part of the Northeast Quarter of the Northwest Quarter in Section 27, Township 144 North, Range 44 West of the Fifth Principal Meridian in Norman County, Minnesota, as shown on Meadowland Surveying, Inc.'s Certificate of Survey 10236-15 dated October 6, 2022, described as follows: Commencing at an iron monument which designates the north quarter corner of said Section 27; thence South 00 degrees 55 minutes 06 seconds East 67.05 feet on an assumed bearing along the north-south quarter line of said Section 27 to the point of beginning of the lease area to be described; thence North 89 degrees 26 minutes 50 seconds West 49.40 feet to an iron monument; thence continuing North 89 degrees 26 minutes 50 seconds West 143.86 feet to an iron monument; thence South 09 degrees 33 minutes 13 seconds East 289.03 feet to an iron monument; thence South 10 degrees 51 minutes 10 seconds West 147.62 feet to an iron monument; thence continuing South 10 degrees 51 minutes 10 seconds West 18 feet, more or less, to the water's edge of the Wild Rice River; thence easterly along the water's edge of said Wild Rice River to the north-south quarter line of said Section 27; thence North 00 degrees 55 minutes 06 seconds West 428.12 feet, more or less, along the north-south quarter line of said Section 27 to the point of beginning of said lease area. The above-described lease area contains 1.6 acres, more or less.

THEREFORE, BE IT RESOLVED, by the Twin Valley City Council, that the City execute the lease agreement with the Twin Valley Riders Club for parks and recreations improvements along the Wild Rice River at the Otterson Bridge, Twin Valley.

BE IT FURTHER RESOLVED, the original fully executed lease agreement will be kept at City Hall for review.

Passed by the City Council of Twin Valley, Minnesota this 13th day of February, 2023. Ayes—Askelson, Bekkerus, Bolton, & Lampton. Nays—None.

RACHEL JOHNSON, CLERK-TREASURER

MICHAEL BOLTON, MAYOR

Councilmember Lampton inquired whether signage for the Splash Park and Skating Rink was on the committees plans, Askelson confirmed. It was also requested to try and get a marking on Google for this area.

POLICE—Douville reported 31 calls for the month of January. Department is still waiting on the arrival of previously approve squad car purchase. All defibrillators have been placed throughout the City, with the exception of the one earmarked for the Twin Valley Liquor Store—with concerns that the bartenders/staff should be trained prior to installation. Councilmember Bekkerus voiced his opposition to placing this at the TVLS instead in favor of giving a second unit to the NCE school. Douville reported that 2018 squad car is currently in Hawley at the Ford dealership for repairs.

FIRE/RESCUE—Lampton reported 1 lift assist, 1 false alarm and 9 rescue calls for the department since last meeting. Lampton will be working on ordering equipment in relation to the approved DNR Grant for 2023. Lampton is also looking into the cost associated with making updates and repairs to the Fire Department overhead doors. Six members from the department attending grain bin rescue training in Ada. PB/MA-m/s/p to approve sending up to six members of the department to fire school in Detroit Lakes March 25th.

POLICE CONT.—Douville returned to meeting to inform Council that he has been utilizing the squad car to deliver meals on wheels on Monday's to make himself seen in the community and available for questions and concerns. Council had no issue. Douville was also asked about the nuisance materials building up again at 307 1st St NW. He will handle.

FINANCIALS—Council given January financials to review, no questions or comments made.

ORDINANCE—Council received no questions or comments in concern to the proposed cannabinoid ordinances. Twin Valley Ordinance 114 and 130.05 will go into effect as of 02/14/2023. Full copies of these ordinances are available at City Hall.

Council given proposed ordinance amendment to Twin Valley City Ordinance Chapter 91: Animals for the addition of backyard chickens with the specifications noted at the January meeting. Councilmember Askelson motioned to approve ordinance as written and begin process of ordinance amendment, setting the annual licensing fee at \$25.00. Motion seconded by Councilmember Bekkerus and the following Resolution to amend the Twin Valley City Ordinance was passed.

RESOLUTION 2023—09
A RESOLUTION AMENDING ORDINANCE 91 - ANIMALS
AMENDING ORDINANCE 91, ANIMALS, TO ADD LANGUAGE TO ALLOW THE KEEPING OF RESIDENTIAL
BACKYARD CHICKENS

The City Council of the City of Twin Valley ordains that Section 91 of the Twin Valley City Code include the following additions and amendments as follows: Added language is *italicized*.

§ 91.01 DEFINITIONS

Chickens or Hen Bantams. *A domesticated bird that serves as a meat or egg source.*

§ 91.04 FARM ANIMALS.

Farm animals, *with the exception of residential backyard chickens*, shall only be kept in an agricultural district of the city, or on a residential lot of at least ten acres in size provided that no animal shelter shall be within 300 feet of an adjoining piece of property. An exception shall be made to this section for those animals brought into the city as part of an operating zoo, veterinarian clinic, scientific research laboratory, or a licensed show or exhibition.

Residential Backyard Chickens. *The keeping of hens and hen bantams in the residential zoned areas of the city on property consisting of a single-family dwelling is allowed, subject to the following:*

A. License Required.

Any person who keeps hens or hen bantams in the City shall obtain a license from the City prior to acquiring the hens or hen bantams. Application shall be made to City Hall, and the fee for the license shall be set by ordinance or resolution.

B. License Period.

Licenses are valid for the calendar year and shall expire and become invalid on December 31st at the end of the calendar year after the date of issuance; prorating the fee is not allowed. A person who wishes to continue keeping hens or hen bantams shall have obtained a new license on or before January 1st. Application for a new license shall be pursuant to the administrative procedures and requirements that are applicable at the time the person applies for a new license.

C. Ownership of Backyard Chickens.

A person who keeps or houses hens or bantams on his or her property shall comply with all of the following requirements:

- 1. No more than (6) hens and/or hen bantams may be kept on any one zoning lot. Hereinafter "hens" and "hen bantams" will be referenced collectively as "chickens."*
- 2. The principal use of the property shall be a single-family dwelling, and the license applicant must be the owner of the property.*
- 3. No person shall keep any rooster.*
- 4. No person shall slaughter any chickens.*
- 5. Chicken fighting shall not be allowed within city limits.*

6. All persons keeping chickens must have a chicken coop to house the chickens and a chicken run. The coop and chicken run must meet the following minimum requirements:
 - a. The coop must be fully enclosed, windproof, and meet accessory structure standards as found in zoning requirements 151.21 R-1 Single-Family Residential District.
 - b. The coop shall comply with current zoning and building codes.
 - c. The coop shall contain at least four (4) square feet of floor area per chicken.
 - d. The chicken run shall comply with current zoning codes.
 - e. The chicken run shall require fence and be securely constructed with mesh type material and be attached to the coop.
 - f. The chicken run shall be fully enclosed with mesh type material or other enclosing material to prevent escapes or interferences with outside animals.
 - g. The chicken run shall provide at least ten (10) square feet of open area per chicken.
7. A person shall not keep chickens in any location on the property other than in the chicken coop and chicken run in the rear yard. For purposes of this section "rear yard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the dwelling and extending to the side lot lines.
8. No chicken coop or chicken run shall be located closer than ten (10) feet to any property line of an adjacent property.
9. The chicken coop and chicken run shall be constructed or repaired to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
10. All premises on which chickens are kept or maintained shall be kept in a clean, sanitary, and healthy manner from filth, garbage, and any substances and all droppings and body excretions collected weekly. All waste must be properly disposed of or composted.
11. Dead chickens shall be disposed of according to the Minnesota Board of Animal Health rules, which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include offsite burial, offsite incineration or rendering, or offsite composting.
12. A person who has been issued a license freely and voluntarily consents to a search and examination of the chicken enclosure in his/her rear yard upon demand by any Police Officer or Code Enforcement Officer.

D. Penalty.

If any of the above requirements are not complied with, the City may revoke any license granted under this section and/or initiate prosecution of the license holder and/or any other person violating the code.

This Ordinance shall be in full force and take effect from and after its passage and publication of the Ordinance or a summary of the Ordinance as provided by law.

Passed by the City Council of Twin Valley, Minnesota this 13th day of February, 2023. Ayes—Askelson, Bekkerus, Bolton, & Lampton. Nays—None.

RACHEL JOHNSON, CLERK-TREASURER

MICHAEL BOLTON, MAYOR

NEW BUSINESS— City received letter from the Norman County Soil and Water Conservation District requesting the city delegate the Norman County Soil and Water Conservation District the decision-making authority for the Minnesota Wetland Conservation Act, which states that cities are legally responsible to administer the water conservation act within their jurisdiction. The City Council for the City of Twin Valley agrees that the members of the Council do not have the proper training or knowledge to administer this act. Therefore, Councilmember Askelson, Seconded by Councilmember Lampton motioned to introduce the following resolution.

RESOLUTION 2023—10

A RESOLUTION REGARDING THE ADMINISTRATION OF THE MINNESOTA WETLAND CONSERVATION ACT

WHEREAS, the Minnesota Wetland Conservation Act of 1991 (WCA) requires local government units (LGUs) to implement the rules and regulations promulgated by the Board of Water and Soil Resources (BWSR) pertaining to wetland draining, filling and excavation; and

WHEREAS, Minnesota Rules, chapter 8420 have been adopted by BWSR in accordance with the rulemaking provisions of Minnesota Statutes, chapter 14, for the purpose of implementing WCA; and

WHEREAS, Minnesota Rules 8420.0200, Subpart 1, Item E allows the city to delegate implementation of chapter 8420 and the act to another governmental entity by the passage of resolutions by both parties; and

WHEREAS, both parties must provide notice to BWSR, the Department of Natural Resources, and the Soil and Water Conservation District of the delegation, including a copy of the resolution and a description of the applicable geographic area, within 15 business days of adoption of the resolution.

THEREFORE, BE IT RESOLVED by the City Council of the City of Twin Valley that the authority and administrative responsibility to implement WCA as the LGU within the legal boundaries of the City of Twin Valley is delegated to the Norman County Soil and Water Conservation District as of February 13, 2023, in accordance with Minnesota Rules, Chapter 8420.

Passed by the City Council of Twin Valley, Minnesota this 13th day of February, 2023. Ayes—Askelson, Bekkerus, Bolton, & Lampton. Nays—None.

RACHEL JOHNSON, CLERK-TREASURER

MICHAEL BOLTON, MAYOR

ML/PB-m/s/p to approve raffle permit request from the Twin Valley Trap Team. Council reviewed land inquiry from Greg Crader, in concerns to purchasing a city owned parcel of land on the South East end of town. Council expressed interest in selling and asked that Mr. Crader submit a proposal to the board to include his plans with the land for further consideration.

FYI/OTHER—The Twin Valley LSS Meals on Wheels site is looking for a new host building, as the management at the current Valley Pines building is no longer entertaining their service. Meals will be dropped off and picked up at City Hall for the time being. Council is willing to entertain allowing the LSS Senior Meals to utilize the Community Center as needed if they are unable to find another suitable location.

The State of Minnesota has passed a bill recognizing Juneteenth as an official State Holiday. The holiday will recognize the date on which slavery was abolished in the United States. Public business cannot be conducted on June 19 to recognize the date. The bill will go into effect on August 1, 2023, which will not interfere with the existing holiday calendar and council meeting schedules for the current calendar year. The City of Twin Valley will need to recognize this in 2024.

PB/ML-m/s/p to approve a donation of \$100.00 booster bucks to the NCE Post Prom Committee, from the EDA, the same as in 2022.

MA/PB-m/s/p to adjourn, 8:21PM.

Attest: _____
RACHEL JOHNSON, CLERK TREASURER

Signed: _____
MICHAEL BOLTON, MAYOR

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